

REMARKS

Claims 1-11 are pending in the application. These claims were rejected as follows:

Claims / Section	35 U.S.C. Sec.	References / Notes
3, 8	Objection	<ul style="list-style-type: none">• Typographical errors
1, 5-8 & 10	§103(a) Obviousness	<ul style="list-style-type: none">• Boesen (U.S. Patent Pub. No. 2003/0115068); and• Killion, et al. (U.S. Patent No. 5,878,147).
2, 4	§103(a) Obviousness	<ul style="list-style-type: none">• Boesen (U.S. Patent Pub. No. 2003/0115068);• Killion, et al. (U.S. Patent No. 5,878,147); and• Klope, et al. (U.S. Patent Pub. No. 2003/0070868).
11	§103(a) Obviousness	<ul style="list-style-type: none">• Boesen (U.S. Patent Pub. No. 2003/0115068);• Killion, et al. (U.S. Patent No. 5,878,147); and• Boesen (U.S. Patent No. 6,718,043).

5 Applicant has amended claims 3 and 9 that were indicated as allowable by the Examiner to place them in independent format. Applicant has further amended claim 8 to correct the typographical error noted by the Examiner. Applicant thanks the Examiner for indicating the allowability of claims 3 and 9 and for pointing out the typographical errors.

10 Applicant's use of reference characters below is for illustrative purposes only and is not intended to be limiting in nature unless explicitly indicated.

OBJECTIONS TO CLAIMS 3 AND 8

1. *Applicant has amended claim 8 and asserts that the duplicated “at” in claim 3 is proper.*

Claim 8 has been amended to correct the word “heating” to “hearing”.

5 Applicant thanks the Examiner for noting this typographical error.

With regard to the duplicated “at” in claim 3, Applicant respectfully contends that the duplicate “at” is proper in this instance. The first “at” is used as a preposition to define a relationship as to where the connection is arranged. The second “at” is used as a part of an adjective clause “at least one” regarding
10 the location referred to by the first “at”. Had there been only a single node, the first “at” would have been followed by an “an”—however, since there may be more than one oscillatory node present, the word “an” has been replaced with “at least one”.

For these reasons, Applicant respectfully requests that the objection to
15 claims 3 and 8 be withdrawn.

35 U.S.C. §103(a), CLAIMS 1, 5-8 AND 10 OBVIOUSNESS OVER BOESEN ‘068 IN VIEW OF KILLION

2. *The combination of Boesen and Killion does not teach or suggest a multiple microphone modular hearing aid device system in which one
20 microphone is in a detachably connectable module and another microphone is in a device to which the module is connected.*

In the OA, on pp. 2-3, the Examiner cited Boesen ‘068 as teaching a modular hearing aid device comprising the features cited in claim 1, including an expansion module that is detachably connectable to the hearing aid device. The

Examiner states that Boesen does not disclose the expansion module being a microphone module that comprises a housing and at least one microphone, although it does teach the expansion port being used to provided added features, functionalities, and/or memory. The Examiner further indicated that Boesen
5 further teaches use of a plurality of microphones. Finally, the Examiner indicated that Killion teaches a modular directional microphone assembly for use in an in the ear hearing aid, stating that it would have been obvious to one of ordinary skill in the art at the time of the invention to provide an additional microphone assembly in the expansion slot of Boesen for improved directional reception.

10 Applicant respectfully disagrees that it would have been obvious to combine the references or that claim 1 is obvious in view of the combined disclosures of Boesen and Killion. Boesen discloses a modular hearing aid device with three microphones (18, 20, 22) and an expansion slot 24. There is no need to add another microphone system for directional hearing to this slot,
15 since three microphones are sufficient for directional hearing. Boesen explicitly describes adding features or functionalities by using the expansion slot, and since a directional combination of microphones is already provided by Boesen, the addition of a microphone would not add any features or functionalities via the expansion slot. MPEP 2143.01 states that there must be a suggestion or
20 motivation to modify the references, and MPEP 2143.03 states that all claim limitations must be taught or suggested. Since there would be no suggestion for adding an additional microphone when the main body of Boesen already includes three microphones, there is therefore no teaching or suggestion that an additional microphone would serve any purpose. Boesen failed to realize that

the multi-microphone components themselves could have been implemented in a modular way.

In view of Killion, which discloses a hearing aid with a directional microphone assembly, the invention is not obvious: microphone assemblies for directional hearing are well known. Killion simply is an example for such an implementation in a hearing aid, where the microphones are mounted together in a common "housing". Looking explicitly into Killion (col. 6, l 32-38), the used microphone assembly provides directional and omni directional outputs. The use of two parallel microphone systems is not discussed.

In neither reference is the notion of providing separate microphones in the separate assembly components addressed. Advantageously, the basic hearing aid device could provide a microphone to make the device operative without the addition of the microphone module, but enhanced by adding an additional microphone that could be used for directional purposes or to provide an enhancement to the hearing aid as microphone technology evolved without having to replace the entire hearing aid. The extension of a "working" hearing aid (one that has its own microphone) with a microphone module for directional hearing is advantageous, and is not addressed or considered by Boeson and Killion, either alone or in combination.

35 U.S.C. §103(a), CLAIMS 1-11 OBVIOUSNESS OVER A COMBINATION OF BOESEN '068 IN VIEW OF KILLION, KLOPE, AND BOESEN '043

3. The remaining claims are not obvious in view of their dependency from claim 1—the additional references, cited for other reasons by the Examiner, do not teach or suggest the limitations of claim 1.


Applicant relies on the above arguments and respectfully assert that the addition of Klope and Boesen '043, cited by the Examiner as disclosing elements related solely to the dependent claims, fail to teach or suggest the elements of claim 1, as described above.

5 For these reasons, the Applicant asserts that the claim language clearly distinguishes over the prior art, and respectfully request that the Examiner withdraw the §103(a) rejection from the present application.

CONCLUSION

10 Inasmuch as each of the objections have been overcome by the amendments, and all of the Examiner's suggestions and requirements have been satisfied, it is respectfully requested that the present application be reconsidered, the rejections be withdrawn and that a timely Notice of Allowance be issued in this case.

15 Respectfully submitted,

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Appl. No. 10/608,589

Reply to Office Action of October 6, 2004

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5 Alexandria, VA 22313-1450 on January 5, 2005.



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